

**9-1-1 ADVISORY COUNCIL
NOVEMBER 19th, 2015
MEETING MINUTES**

ATTENDEES: Ron Baldwin, DOA/SITSD; Gary Macdonald, MACO; Greg Megaard, MSFCA; Geoff Feiss, MTA; Delila Bruno, DMA/DES; Peggy Glass, PSAPs <30K; Lisa Kelly, CenturyLink; Evan Hammer for Jennie Stapp, State Librarian; Chuck Winn, MLCT; Tom Butler, DOJ/MHP

CONFERENCE CALL: Terry Ferestad, AT&T; Chris Hoffman, MSPOA; Leonard Lundby, MVFFA; Kimberly Burdick, MT APCO; Bill Hunter, PSAPs >30K; **GUESTS:** Sandra Barrows, Nemont/Triangle Telephone Cooperatives; Kerry O'Connell, Gallatin Co.; Michael Fashoway, State Library; Chris Lounsbury, Missoula Co; Adriane Beck, Missoula Co.; Susan Bomstad, MT APCO; Dorothy Gremaux, City of Lewistown

STAFF: Quinn Ness, Rhonda Sullivan, and Carrie Castle

CALL TO ORDER: Ron Baldwin, Chairman, called the meeting to order at 1:30. Introductions were made.

Current Council Objectives – Modernize the Program: Quinn Ness reported on the current council objectives, which included the following:

Per MCA 10-4-102(2) and the Governor's Executive Order the purpose of the 9-1-1 Advisory Council is to provide representatives of 9-1-1 stakeholders with the opportunity to participate in the development, implementation and management of the State of Montana's 9-1-1 Program described in Title 10, Chapter 4, MCA.

The Council shall gather information, furnish advice and make recommendations to the Department of Administration on the development, implementation and management of the State of Montana's 9-1-1 Program described in Title 10, Chapter 4, MCA.

One of the major issues currently facing the state 9-1-1 program is that program statutes do not include or support current or future technologies (ex: NG 9-1-1). Therefore the Department is requesting that the 9-1-1 Advisory Council assess and advise the Department in modernizing state 9-1-1 program statutes to enable and support current and future technologies (ex: NG 9-1-1).

To ensure that the draft legislation is included in the executive planning process (EPP) to prepare for the 2017 legislative session, a final draft needs to be completed and adopted by February 2016. Development of the draft legislation will include the following: Advisory council develops and vets legislative concepts; program staff develops draft documentation outlining the agreed upon concepts; Advisory council adopts concepts; program staff works with Department legal counsel to convert final concepts into a bill draft(s); Advisory council reviews bill draft(s) and adopts final draft.

Next Generation 9-1-1 (NG9-1-1) Working Group- Roles/Responsibilities: Quinn Ness reported on the Legislative Energy and Telecommunications Interim Committee (ETIC) Next Generation 9-1-1 (NG 9-1-1) Working Group:

The 2015 Legislature passed House Joint Resolution 7 (HJ 7), which is a joint resolution of the Senate and House of Representatives of the State of Montana to engage in an interim study of Next Generation 9-1-1 in Montana.

The interim study was assigned to the ETIC. Per HJ 7 the study will include:

- Assess the state and federal regulatory and statutory environment affecting next-generation 9-1-1;
- Study and make recommendations for the implementation, management, and operation and ongoing development of next-generation 9-1-1 emergency communications services.

The ETIC has formed a NG 9-1-1 Study working group. The final draft legislation that is adopted by the 9-1-1 Advisory Council will be presented to the ETIC working group and the ETIC to ensure it enables and supports the deployment of NG 9-1-1 and to garner support from the ETIC and Legislature.

Review Current Program MCA: Quinn Ness engaged the Council in a roundtable discussion in review of the current program statutes and the initial vetting of the legislative concepts. The Council discussed the following key factors that will be followed in drafting the legislation:

- Don't legislate technology, take a "technology agnostic" approach;
- Program statutes should provide policy, intent and direction. Don't micromanage the program through statute, but direct the development and implementation of administrative rules;
- Any city, county or tribal government can choose to operate a 9-1-1 dispatch center;
- Local governments can create special districts (ex: 9-1-1 jurisdiction) through an inter-local agreement to operate a multi-jurisdictional 9-1-1 dispatch center;
- No forced PSAP consolidation;
- The program's purpose is to support the deployment, maintenance and upgrade of 9-1-1 telecommunications systems;
- Continue program funding waterfall that includes: administration of the program, telecommunications providers cost recovery, distribution of remaining funds to local and tribal governments;
- Continue \$1.00 total fee per subscriber line, but no increases in the fee and/or program revenues; and
- Consider creating a "State 9-1-1 Board" with authorities to administer the program.

9-1-1 Jurisdiction: The following comments were made and /or discussed:

- Quinn Ness: there are issues with current statute that includes unclear language and legal interpretation regarding 9-1-1 jurisdictions. Specifically it is unclear whether a "9-1-1 jurisdiction" is a legal entity, therefore this needs to be reviewed.
- Bill Hunter: We need to consider whether local/district boards should be required.
- Chris Hoffman: Agreed that local/district 9-1-1 boards should be required.

PSAP Consolidation: The following comments were made and /or discussed:

- Quinn Ness: Recommended that the Council not include a PSAP consolidation directive. This is a local decision.
- Bill Hunter: Agreed with Quinn, however, recommends that the state should consider encouraging consolidation.
- Kimberly Burdick: Believes PSAPs and agencies are already aware of the consolidation efforts so there's no need to include this in the legislation.

- Tom Butler: A new statute should allow for ease of consolidation.
- Dorothy Gremaux: Her area consolidated slowly and it was an easy process. It works well and continues to do so.

Program Funding: The following comments were made and /or discussed:

- Lisa Kelly: The biggest concern for local agencies is working through the state funding, so funding should be discussed and addressed.
- Quinn Ness: The Council should discuss continuing the 25/75 split in program revenues; 25% for telecommunications providers cost recovery and 75% distributed to local and tribal governments or moving to 100% into one account;
- Chuck Winn: We should ensure the prioritization of the funding to include the ability to shift funds to where they are needed.
- Geoff Feiss: Simplify the collection process into one fund, rather than several

Use of Program Funding: The following comments were made and /or discussed:

- Geoff Feiss: Accountability should be included in a new statute.
- Quinn Ness: Current statutes do not include any clear authority over the spending of funds by local and tribal governments.
- Gary Macdonald: We need to include clear definitions in the new statute.
- Chuck Winn: Allow counties to use funds for what they need, as requirements are unique for each jurisdiction.
- Bill Hunter: Allowing counties to use funds at their discretion could be dangerous as they could be used for unnecessary needs.
- Chris Hoffman: We need to protect the PSAPs by directing that the funds be used only for 9-1-1.
- Bill Hunter: Recommended drafting minimum equipment lists that are state mandated and prioritize items in order to ensure minimum capabilities under 9-1-1. Then a delivery mechanism for 9-1-1 calls could be an addendum to this. However, CPE should have precedence.
- Quinn Ness: In the past there were two separate technologies that were used for the 9-1-1 call from the citizen to 9-1-1 dispatch (telephone system) and 9-1-1 dispatch to the emergency responders (LMR), Current/future technologies involve IP networks and data (digital). We need to consider where a 9-1-1 communication begins and ends, so that we can determine if program funds should be allowed to be used for emergency responder communications.
- Tom Butler: There are issues beyond calls getting to 9-1-1 dispatch, such as getting them out to responders, etc., and these needs are not being funded through the current statute.
- Lisa Kelly: Agrees with Tom, but stated there needs to be some caution in prioritizing funds.
- Geoff Feiss: 1) Rather than specify equipment, include capabilities and functionality.
2) Maintain a gateway for funds, governance and allocation so funds are collected/spent appropriately; and 3) let a board define the term “appropriate”. A functional system is required in order to collect/distribute funds; as well as proper authority to make sure funds are spent accordingly.

Wireless Provider Cost-Recovery Account: The following comments were made and /or discussed:

- Quinn Ness: Currently the state Public Service Commission does not regulate wireless companies in Montana. The Federal Communications Commission regulates the companies at the federal level. The current wireless provider cost-recovery account balance is approximately \$10 million.

- Bill Hunter: Keep the .25 cent fee, but apply those funds toward future technologies.
- Leonard Lundby: Wireless providers view these funds as their money, therefore making changes to this may cause problems.

Public Comment: Chris Lounsbury inquired as to how others can be notified of the Advisory Council meetings. All public information, including meeting dates and related correspondence can be located on the PSCB website at <http://sitsd.mt.gov/Public-Safety-Home-Page/9-1-1-Main-Page/9-1-1-Advisory-Council>.

Meeting Schedule: Future meetings will be held the third Thursday of each month. The next meeting is December 17th from 1:30-3:30 at the state Capitol Room 152.

Adjourn: The meeting adjourned at 3:26.